

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

TROPICAL FRUIT, S.E.;
AVSHALOM LUBIN;
CESAR OTERO ACEVEDO; and
PEDRO TOLEDO GONZALEZ,

Defendants.

Civil Action No. 97-1442-DRD

NOTICE OF DEFAULT

The United States of America, by the authority of the Attorney General and on behalf of the United States Environmental Protection (“EPA”), respectfully notifies this Honorable Court that Defendants failed to file a response to this Court’s February 8, 2005 Order to Show Cause by the February 28, 2005 deadline set forth in this Court’s February 8, 2005 Order (Docket No. 98). In fact, Defendants have filed no response whatsoever to the United States’ Motion for An Order to Show Cause why Defendants should not be held in civil contempt of and ordered to immediately comply with the Consent Decree entered on October 25, 2001 or to this Court’s February 8, 2005 Order to Show Cause. Accordingly, the United States submits herewith a proposed form of Order which provides the specific requirements necessary for Defendants to achieve compliance with the Consent Decree and respectfully requests that this Honorable Court enter this proposed Order.

Respectfully Submitted,

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Assistant Attorney General
Environment and Natural Resources Division

/s/ Henry S. Friedman
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CERTIFICATE OF SERVICE

I, Henry S. Friedman, hereby certify that copies of the NOTICE OF DEFAULT AND PROPOSED FORM OF ORDER were served on March 22, 2005, by electronic mail to jsifre@sbslaw.com and by first-class mail postage prepaid, as follows:

Jaime Sifre, Esq.
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/s/ Henry S. Friedman
HENRY S. FRIEDMAN